

# **Delaware Department of State Division of Historical and Cultural Affairs**



## **Collections Management Policy**

**APRIL 2014**

## PLEDGE OF EXCELLENCE

*The Delaware Division of Historical and Cultural Affairs pledges that, in fulfillment of our educational mission, we will strive to operate according to national standards and best practices to the best of our abilities and in accordance with our resources.*

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### NONDISCRIMINATION STATEMENT

This program receives federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability, or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to:  
Office of Equal Opportunity, National Park Service, 1849 C Street, N.W., Washington, DC 20240.

## TABLE OF CONTENTS

Section	Topic	Page
I	STATEMENT OF PURPOSE	4
II	MISSION STATEMENT	4
III	VISION STATEMENT	4
IV	HISTORY	4
V	STATEMENT OF AUTHORITY	5
VI	CODE OF ETHICS	7
VII	COLLECTIONS STATEMENT	7
	A. Scope of Collections	7
	B. Types of Collections	8
VIII	ACCESSION	9
	A. Acquisition Policy	9
	B. Accession Policy	10
	C. Collections Committee	11
IX	DEACCESSION	11
X	LOANS	14
	A. Outgoing Loans	14
	B. Incoming Loans	16
XI	COLLECTIONS CARE	17
XII	INVENTORIES AND RECORDS	17
	A. Records and Supporting	17
	B. Documentation Inventory	18
XIII	FOUND IN COLLECTION (Objects in Custody)	18
XIV	RIGHTS, REPRODUCTIONS and FAIR USE	18
XV	INSURANCE AND RISK MANAGEMENT	19
	A. Collections Insurance	
	B. Risk Management	
XVI	COLLECTIONS SECURITY	20
XVII	USE AND ACCESS	21
XVIII	OWNERSHIP OF SCHOLARLY MATERIAL	21
XIX	POLICY REVISION	22
X	GLOSSARY	22
Appendix 1	DHCA ORGANIZATION CHART	27

# **Delaware Division of Historical and Cultural Affairs Collections Management Policy**

## **I. STATEMENT OF PURPOSE**

The Delaware Department of State, Division of Historical and Cultural Affairs' Collections Management Policy establishes policies and guidelines for the acquisition, loan, care, deaccession and use of the collections of the Division of Historical and Cultural Affairs. Division policies shall not replace any State of Delaware policy, regulation or local, state or federal law, statute or regulation under which the Division is legally or ethically bound to operate. The Division operates as both a state museum system and as the state historic preservation office.

## **II. MISSION STATEMENT**

The Division of Historical and Cultural Affairs serves Delaware residents and visitors by identifying, preserving, and interpreting Delaware history. Our activities foster strong communities, engaged citizens, economic vitality, and a deeper understanding of Delaware's role in national and world history. We do this in public trust for current and future generations.

## **III. VISION STATEMENT**

Our audiences are actively engaged in learning (in many ways) and understand how Delaware history is meaningful to their lives.

Our audiences are actively exploring a diversity of historical and cultural perspectives to inform and influence decisions about the future.

Our audiences feel welcomed, valued, and encouraged to question and explore.

The Division of Historical and Cultural Affairs is a trustworthy, ethical, and reliable partner with organizations, agencies, and individuals with whom we have common goals.

All Division staff and volunteers will consistently make use of each other's knowledge and skills, building professional relationships across teams.

## **IV. HISTORY**

Historical and Cultural Affairs and its predecessors have been stewards of state-owned historic buildings and archaeological, art, and object collections belonging to the State of Delaware for over two centuries. The following timeline outlines benchmarks in the division's development.

- 1800: Portrait of George Washington commissioned to hang in the Senate chamber. Upon delivery in 1802, it is the first object in the State of Delaware's collection.
- 1911: Public Archives Commission formed to acquire, repair, and restore historic buildings, sites, or objects of significance for purpose of making them available to the public
- 1913: State Portrait Commission established
- 1934: Delaware law acknowledges artifacts found on state-owned sites are worthy of permanent preservation
- 1950: Delaware State Museum opens to offer changing exhibitions in the fields of natural history, archaeology, history, industry, commerce, agriculture, and transportation
- 1951: University of Delaware and the Delaware State Museum become primary repositories of archaeological artifacts found on state-owned sites
- 1953: Delaware Archaeological Board created to sponsor, encourage, engage in, and direct fundamental research and investigation into the state's archaeology
- 1970: Division of Archives and Cultural Affairs created from dissolution of Public Archives Commission and Delaware Archaeological Board within the Department of State
- 1975: Bureau of Museums and Historic Sites created to care for growing collections of historic structures and objects and to interpret them for the public
- 1977: Bureau of Archaeology and Historic Preservation created to carry out work of the Delaware Archaeological Board and mandates of the National Historic Preservation Act
- 1977: Collections Management Plan developed and Collections Committee established.
- 1999: Historical and Cultural Affairs and the Delaware Public Archives become separate and distinct agencies within the Department of State
- 2009: Division formalizes first Affiliates and Partnership programs with local heritage organizations
- 2014: Historical and Cultural Affairs serves as stewards to more than forty historic properties, including ninety plus historic structures, and operates five historic site museums, Buena Vista Conference Center, and First State Heritage Park Welcome Center and Galleries

## V. STATEMENT OF AUTHORITY

The Division of Historical and Cultural Affairs is a political subdivision of the State of Delaware, a unit of the Department of State, State of Delaware. The Delaware Secretary of State leads the Department of State, and is appointed by, and reports to, the Governor of Delaware. The State Museums were established by the Delaware Legislature, DE Code Title 29 Chapter 5. The

Department is governed by the laws and regulations of the State of Delaware and guidelines established through the National Park Service as delegated by the Secretary of the Interior.

The Division of Historical and Cultural Affairs is managed on a daily basis by the Director of Historical and Cultural Affairs, a position appointed by the Delaware Secretary of State. The Deputy Director, an appointed position, is in place to manage the Division in conjunction with, and in absence of, the Director. The Director is responsible for all aspects of the daily management and operations of the Division and is ultimately responsible for the management of the Division's collections, execution of the Division's collection management policy and supervision of collections management staff. The Director works with the State of Delaware Merit Rules and hiring guidelines to ensure that Division staff, paid or unpaid, meet professional qualifications and understand and support the mission and uphold public trust responsibilities and that the Division meets professional and best practices standards.

The Division's activities, and those of its employees, volunteers, and committee members, are governed by the laws and regulations of the State of Delaware and all relevant federal laws and regulations, as well as all applicable international treaties. Acceptance of a paid or unpaid position in the Division of Historical and Cultural Affairs requires adherence to laws, policies and procedures governing the Division, including those outlined in this document. The Code of Ethics shall be distributed to all staff members, volunteers and committee members working for the Division.

The effective governing authority for the Division Director is the Governor, through the Secretary of State. The Division Director has been delegated authority for the daily operation of the Division via and Secretary of State and the Governor. [\[See Appendix 1: Organizational Chart\]](#)

The full time and the part time staff of the Division of Historical and Cultural Affairs are supplemented by unpaid staff (volunteers), interns and advisory committees who provide outside expertise and advice in a non-binding manner. The Collection Committee has no decision-making authority beyond those utilized at the discretion of the Director and staff. State regulations require approval from the State Review Board for nominations to the National Register of Historic Places to proceed to the National Park Service, Department of the Interior.

The Division is divided into teams; each led by a manager who is knowledgeable in the field related to the operation of the team. The Division collections staff is composed of qualified individuals with the appropriate education, training and experience to fulfill the Division's stewardship responsibilities of the collections and their care. Managers are assisted by staff that provides support and assistance in team operation on a daily basis. Division employees are expected to keep current with research and future trends in their fields.

The Collections Committee for the Division is appointed by the Director. It advises the curators, collections manager and Director in the acquisition and deaccession of collections, and the development of a collections plan for the Division.

## **VI. CODE OF ETHICS**

The Division of Historical and Cultural Affairs recognizes and accepts its fiduciary responsibility to provide proper management, preservation, and use of the collections and associated information it holds for the benefit of the public. Staff has legal, professional and ethical obligations to maintain high levels of honesty, integrity and loyalty to the Division.

These performance standards are covered in the institutional Code of Ethics by the Division of Historical and Cultural Affairs (2014) which guides the institutional and individual actions of staff, paid and unpaid, interns, volunteers, advisory committee members and the governing authority working for the benefit of the Division.

The institutional Code of Ethics was developed in deliberation of the following policies:

- All applicable State of Delaware policies
- American Alliance of Museums Code of Ethics for Museums
- American Association for State and Local History's Statement of Professional Standards and Ethics
- The Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR 44716)
- Principles of Archaeological Ethics, The Society of American Archaeology
- Ethics Statement, Society for Historical Archaeology
- American Institute for Conservation of Historic & Artistic Works

## **VII. COLLECTIONS STATEMENT**

### **A. Scope of Collections**

The Division of Historical and Cultural Affairs collects, preserves and exhibits the material culture of the people of Delaware. This includes any object, artifact or group of objects, and their supporting documentation (hereafter referred to as collections) that were made or used by people, and or document an important event or period in the history or lifeway significant to the heritage of the people of Delaware. These collections are an invaluable resource for future study and education, and they create a tangible link between our audiences and the history of the state and people of Delaware.

Objects, artifacts or groups may be added to the collections of the Division by means of gifts, bequests, purchases, scientific archaeological investigations or by any other transactions in which title passes to the Division. These objects, artifacts or groups are accepted on the basis of being representative of life in Delaware or for having a demonstrated significance to the history and culture of the State of Delaware.

The acquisition and stewardship of these collections, that embody Delaware's cultural assets, entail the highest public trust. The Division has an ethical obligation to acquire items that support its purpose. Stewardship carries with it the presumption of rightful ownership, documented provenance, and the obligation of permanence, perpetual care, study and access by the public.

## **B. Types of Collections**

The Division's collections of objects, and artifacts or groups are materially, culturally, geographically and chronologically diverse. The collections are subdivided into the following collections and sub-collections:

1) Archaeological Collection: These collections document the pre-history, history and material culture of the people of Delaware recovered in an archaeological context. The collection also serves as the state repository for Section 106 and 110 archaeological collections, and will be managed in accordance with best practices for archaeological collections.

a) Diagnostic and Research Collection: includes the Radiometric Database Collection, as well as the Colonial Comparative Collection. These collections are to be used by professionals and students for research purposes.

2) General Collection: These collections document the history and material culture of the people of Delaware through objects. The object collections will be tracked, stored and handled following best practice for museum collections.

3) The State Portrait Collection: This collection was founded in 1913 for the purpose of placing portraits of significant Delaware statesmen in public spaces (Title 29 Delaware Code, Chapter 87 Subchapter 1 § 8705). With the acquisition of the first portrait in 1802, this collection has grown to include images in all media of important public figures. Portraits are either purchased with a combination of public and private funds or received as donations and designated for the portrait collection.

4) Educational and Outreach Collections: These collections will be used for the education and interpretation of the history and culture of the people of Delaware. Deterioration and eventual destruction will be calculated into and an accepted part of the management of these collections. It will include objects specifically purchased or donated for education purposes or will be drawn from artifacts and groups that lack archaeological context or geographical provenance. They will be tracked, stored and managed in accordance with guidelines generated by the Division of Historical and Cultural Affairs.

5) State Furnishings Collection: This collection is composed of modern furniture and historic objects meant to furnish state offices. It will include objects donated and purchased for this purpose. The objects will be tracked as state property.



6) Library and Archival Holdings: These collections are composed of books, periodicals, reports, ephemera, photography, audio, video and digital files and images related to a wide variety of topics related to the history, geography, archaeology, architecture, historic preservation and cultural resource management of Delaware. Holdings also relate to collections held by the Division such as the sound industry. Archival holdings relate to the Victor collection, Civil War and archaeology, plus other topics related to Delaware. Different levels of control are provided based on the specific item type.

7) State Historic Preservation Office Research Center: Holds primary documentation and secondary-source information about historic properties in Delaware related to reconnaissance and evaluation surveys, National Register of Historic Places nominations and National Historic Landmark nominations. Much of this material is now available in digital format through a database on historic properties and digital mapping of historic properties in a Geographic Information System, with a web-based version known as the Cultural and Historical Resource Information System (CHRIS).

8) Architectural Fragments Collection: This collection is composed of items removed from Division properties, buildings or grounds that may have architectural, educational, exhibit, or salvage value and need to be stored for future use. Architectural fragments may be accessioned into the General Collection through the curators, but the architectural fragment collection is a 'for use' collection and tracked independently.

## **VIII. ACCESSION**

### **A. Acquisition Policy**

The Division of Historical and Cultural Affairs observes the laws of the United States and all relevant international laws and treaties on acquiring objects, artifacts or groups. The Division will not knowingly accept objects, artifacts or groups collected or acquired under irresponsible or illegal circumstances. The Division will only acquire items, objects, artifacts and groups in compliance with international, federal, state and tribal laws, and all relevant professional guidelines.<sup>1</sup>

Title to all objects acquired for the collections is to be obtained free and clear, without restrictions as to use or future disposition. Deviations from this policy can be granted only in exceptional circumstances and must be approved by the Director in a written memorandum. If collections are accepted with restrictions or limitations, the conditions must be clearly stated in the instrument of conveyance and will be made part of the accession record for the object. Any restrictions or limitations will be strictly observed by the Division.

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<sup>1</sup> 1 This includes NAGPRA, ICOMOS, ARPA, The American Alliance of Museum's "*Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era*", and any further legislation or professional guidelines authorized in the future.

Collections can be acquired by the Division through gift, bequest, exchange, purchase, transfer, or state or federally sponsored archaeological investigations. All acquisitions must be documented through a deed of gift, a receipt of purchase, transfer document, or other legal instrument of conveyance which will be retained in the records of the Division. For items being considered for purchase by the Division, the Division reserves the right to require written appraisals at the discretion of the curator or as directed by the Division Director.

Collections offered to the Division are to be first reviewed by a curator of the relevant area or Research Center staff. If the object, artifact or group fits the collecting criteria, a temporary custody receipt will be filled out and a copy retained both by the donor and the Curator of Collections Management or Curator of Archaeology. Curatorial staff will then create a collections review form and present it to the curators, for review and comment. If the object or artifact is approved for acquisition by the curatorial staff, the Director and curatorial staff will sign the collections review form. A list of all objects, artifacts or groups under consideration will be presented to the Collections Committee quarterly for final approval.

The Collections Committee will review the list of collections offered to the Division of Historical and Cultural Affairs quarterly, and vote on each item or collection. If a simple majority of members present agrees to acquire the item or collections then they will be accessioned into the appropriate collection of the Division. If the item or collection is not accepted by the Collections Committee, it will be returned to the owner with all possible expediency.

The Division is a qualified repository for artifacts generated by archaeological investigations sponsored by state or federal agencies (7 Delaware Code § 5311). All excavation, documentation, and collection preparation work will be done in compliance with all federal and state standards. When the collections are deemed to meet those standards, the collections and all associated documentation will be transferred to the Division. The agency or consultants will arrange to deliver all artifacts and associated documentation to the responsible curatorial staff. The Collections Committee will be notified of all collections added in compliance with the Division's status as a qualified repository, but will have no authority to either approve or reject them in order comply with that status (7 Delaware Code § 5311).

## **B. Accession Policy**

Following acceptance by the Collections Committee, curatorial staff will prepare and process all necessary paperwork including the instrument of conveyance. Additionally, the curatorial staff will assign a specific number to the accession. Objects will also receive a separate number for each object based upon the year of the accession. In archaeological investigations, sites will receive a specific catalogue number. Objects or artifacts accessioned into the Educational Collection or Furnishings Collection will be given a unique number or identifying mark to make clear the object or artifact or group's association with that collection.

Responsibility for the appraisal of all gifts for tax purposes, as well as required forms and preparation, rests with the donor. Staff, paid and unpaid, of the Division of Historical and Cultural Affairs do not and cannot provide appraisal services without the expressed approval of the Division Director, in consultation with the Delaware Public Integrity Commission. Staff may assist potential donors in locating qualified appraisers. It is understood that acceptance of an item at its appraised value does not imply endorsement of or agreement with an appraisal.

A Collections Management Manual which includes current collection management policies, procedures, and forms will be maintained by the Curator of Collections Management. The manual will address all collections. The Archaeology Collection follows the federal guidelines outlined in 36 CFR Part 79, *Curation of Federally-Owned and Administered Archaeological Collections* with specific Delaware requirements outlined in *Guidelines and Standards for the Curation of Archaeological Collections*.

### **C. Collections Committee**

The Division of Historical and Cultural Affairs will establish a Collections Committee composed of members of the general public to approve or disapprove objects, artifacts and groups offered by the curatorial staff for the Collections of the Division.

The Collections Committee will be composed of seven (7) members apportioned as follows: One each from county, Sussex, Kent and New Castle, one (1) member from the City of Wilmington, and three (3) at-large members. The Committee will be composed of members who reflect the diversity of the State of Delaware. Committee members cannot be current employees of the Delaware Department of State, or associated with any current Affiliate or Partner of the Division. Individuals serving on the Collections Committee should have an interest, competence or knowledge of art, history, and/or archaeology collections. Members must be able to carry out their duties objectively, following strict rules of conduct to avoid conflict of interest.

Committee members will be selected by the Director of the Division in consultation with current Committee members. Committee members will serve for terms of two (2) years, and serve no more than two consecutive terms.

The Collections Committee will meet quarterly, with at least five members present, to review objects, artifacts or groups offered to the Division, with supporting documentation. The committee will vote on each acquisition, as outlined in the Acquisition Policy.

## **IX. DEACCESSION**

The acquisition of artifacts and objects is made with the intention of building the collections of the State and to preserve them for use in the future for exhibitions, learning and research. Accessioned objects are to be retained permanently in the archaeology, general and portrait collections provided that they continue to support the mission of the Division of Historical and

Cultural Affairs. In accordance with the recommendations of the American Alliance of Museums, deaccessioning is to be considered only in an attempt to refine the collections. The Division may choose to deaccession and remove from the collection any object or artifact that it legally owns, but the Division does not take the deaccessioning of objects, artifacts or groups lightly or without due consideration and will only do so within professionally accepted methods and practice.

Objects, artifacts or groups may be considered for deaccession based on one or more of the following criteria:

- 1) Relevance: The object, artifact or group is not relevant to the Division's mission;
- 2) Authenticity: The object, artifact or group is not authentic, or determined to be a fake or forgery, or falsely attributed or documented, unless useful for research, teaching or exhibition purposes;
- 3) Condition: The condition of the object, artifact or group has deteriorated beyond usefulness or poses a health hazard;
- 4) Duplication: The object, artifact or group is an exact duplicate, or unnecessarily duplicates the subject matter or relevance of another object, and is not useful to the Division's purposes or programs of the Division.
- 5) Care of the Object: The museum cannot reasonably provide the proper care or provide the preservation requirements needed by an object, artifact or group.
- 6) Repatriation: The object, artifact or group is being repatriated in accordance with NAGPRA, other state or federal statutes, or professional guidelines;
- 7) Missing or unintentional loss: The object, artifact or group has been documented as being lost or missing for ten (10) or more years;
- 8) Quality of the Collection: The object, artifact or group is being replaced by a better example; deaccessioning of the object will improve or strengthen another area of the collections and, in so doing, further the goals of the Division. In this case, great care must be taken to ensure that an object in one area of the collection is not disposed of purely for the sake of acquiring an object in another area.

No action pertaining to the deaccessioning or disposition of an object, artifact or group will be undertaken that would impair the integrity and good standing of the Division within the community or the larger museum profession.

Any restrictions placed on an object, artifact or group by a donor regarding disposition will be strictly observed. If the object, artifact or group was a gift or bequest, donors or their heirs will be notified, when possible, of the Division's intention to deaccession. Such notification is carried out as a courtesy and does not constitute a request for permission to dispose of the object, nor shall a donor be given preferential treatment in reacquiring the object.

Recommendations for deaccession will be initiated at the curatorial level by the curator responsible for the specific collection. A member of the Curatorial staff will prepare a Recommendation for Deaccession Form. The Deaccession Form is to be reviewed by the

curatorial team and approved and signed by them. If the curatorial staff approves of the recommendation for deaccession, the document will be submitted to the Director for review and approval. If the Director approves the recommendation for deaccession, the object, artifact or group and its accompanying report will be presented to the Collections Committee who will either approve or disapprove the deaccession by a simple majority vote.

Objects, artifacts or groups in the Educational and Outreach or State Furnishings collections will not be removed as other collections or items. These collections are held with eventual deterioration and destruction as an accepted part of their use, and will be removed accordingly. Objects, artifacts or groups in the Educational and Outreach and State Furnishings collections will be removed on the written recommendation of the curators, in letter form, and signed by the Director. The disposition of objects, artifacts or groups in these collections will be the same as for other collections.

Disposition of the item or collection may take place in the following ways:

- 1) Transfer for education and research use: Deaccessioned items may be used in school programs, for hands-on demonstrations, study, or testing. The object will be moved into any of the “for-use” collections. It is accepted that deterioration and destruction of the items is inherent in this type of use.
- 2) Donation or gift: The items may be donated as a gift to another museum, library or archival entity to keep the object within the public sphere.
- 3) Exchange: The items may be exchanged with another museum, library, archival entity or educational institution for an object, artifact or group that fits the mission and scope of the collections of the Division.
- 4) Sale: The items may be sold at public auction or sold privately to another museum or educational organization.
- 5) Repatriation: Human remains, funerary objects, and objects of cultural patrimony are to be returned to lineal descendants, culturally affiliated Native American tribe, or other designated cultural group as required by NAGPRA, or other relevant state or federal statute.
- 6) Destruction: Items will only be destroyed if it can be proven that they pose a direct threat to the health and wellbeing of Division staff, volunteers or visitors and there is no possible method of mitigating that threat, or if the object, artifact or group is in irreparable condition. The method of disposition must be approved by the Director and documented in the Disposal Record. Disposition of approved deaccessions shall take place annually. In determining the appropriate method of disposition, consideration should be given to the best interests of the Division, the public, the scholarly communities and the public trust it represents.

When deemed necessary by the Director, or the Curatorial team, an outside appraisal or qualified consultation shall be obtained to assist in determining if objects, artifacts or groups meet the criteria for deaccession and the appropriate method of disposition.

When deemed necessary by the Director, or the responsible curator, objects, artifacts or groups sold by the Division will be appraised by a licensed appraiser who is in no way connected to the Division or any staff or volunteers thereof.

All objects, artifacts or groups sold by the museum will be handled by a licensed auction house or dealer, no closer than sixty (60) miles to the borders of the State of Delaware.

As outlined in the Division's Code of Ethics, employees, paid or unpaid, or volunteers, Collections Committee or governing authority members, and their immediate families will not acquire objects, artifacts or groups from the collections owned, controlled or deaccessioned by the Division.

All proceeds realized from the sale of a deaccessioned object, artifact or group shall be allocated to the Acquisition and Conservation Fund and used exclusively for the acquisition and care of collections.

The Division will seek to keep objects donated to the public trust within the public trust. To that end, the Division will seek to publish a yearly list of objects to be considered for donation to other museums, libraries or archival entities. All receiving institutions must provide documentation affirming they follow best practices and can provide proper storage and display conditions, as well as a facilities report. An institutional mission statement is also required. Transfer of objects is the responsibility of the receiving institution.

The Curator of Collections Management, in accordance with the Records Policy, is responsible for maintaining deaccession files for each deaccessioned artifact or object. These will include the Deaccession Review Sheet, compiled by the responsible curator, the original deed of gift or transfer, proof of title, disposal record, photographs of object, artifact or group, and all other relevant paperwork. This curator will handle the transfer and movement of the deaccessioned material following the formal deaccession process.

All accession numbers and other references to the Division will be removed before the object leaves the custody of the Division. Accession numbers of deaccessioned objects will not be reused.

## **X. LOANS**

### **A. Outgoing Loans**

Loans serve to share State of Delaware collections with the current and future citizenry of the State and visitors to local communities. Loans provide public access to the State's collections in exhibitions and programs located in public venues through printed and oral interpretation. All loan agreements must be completed following best practices and professional standards as outlined in the Division's stated goals, policies and procedures; security and appropriate environmental standards are essential in all loan agreements.

In response to specific written requests and under conditions outlined in loan agreements signed by both parties, the Division will loan objects, artifacts or groups from its collections to museums, historical societies, libraries, public governmental offices and other institutions for exhibition, research and other purposes consistent with the stated goals and policies of the Division. Requests for loans are considered on the basis of the purpose of the loan; the nature of the audience; the condition of the objects, artifacts or groups; the level of care provided by the borrowing institution; insurance coverage; and other relevant criteria.

The Division loans only objects for which it has the authority to loan.

Generally, objects, artifacts or groups of extreme rarity, value or fragility will not be loaned. Objects, artifacts or groups slated for inclusion in a forthcoming exhibit by the Division will not be loaned to another institution. Objects, artifacts or groups that are frequently used by researchers will not be loaned. Evaluations of an object, artifact or group's condition, rarity and value, both cultural and monetary, will be made by the Curator of Collections or Curator of Archaeology in consultation with other Division staff and/or outside resources as appropriate.

Prior to the approval of a loan, the borrower must demonstrate to the Division through a standard facilities report or another acceptable means that it can provide the loan with adequate care, environmental protection, and protection from damage and theft.

The borrower must provide satisfactory insurance coverage for the value of the loan, as determined by the Division. A certificate of insurance, naming the Delaware Division of Historical and Cultural Affairs as additional insured, or other acceptable proof of insurance, and a completed, signed loan agreement form must be received by the Division prior to shipment of the loan. The Division retains the right to waive the insurance if the borrower is another self-insured agency of the State of Delaware.

The duration of the loan will be stated clearly on the loan agreement. In general, loan periods will not exceed one year, and can be made renewable.

Written requests for loans are first reviewed by the Curator of Collections Management. Loans require the approval of the Director.

Following approval of the loan, the Curator of Collections Management will prepare the necessary paperwork, including a loan agreement form, receipt forms, and condition reports. The Curator of Collections Management will be responsible for making packing and shipping arrangements, for maintaining loan records, for monitoring the status of loans, and for overseeing return arrangements for loans.

Collections within the Division are available for loan to other state agencies and government facilities for exhibit in publicly owned buildings, in public spaces, for interpretation, exhibition, research and other purposes consistent with the mission and the stated goals and policies of

the Division. Requests for loans are considered on the basis of the purpose of the loan; hours open to the public for viewing or use; the nature of the audience; the condition of the objects, artifacts or groups; the level of care, environmental conditions and security provided by the borrowing institution; and other relevant criteria.

Loans of artwork from the State Portrait Collection will follow the 1913 founding purpose of the collection which is “to place portraits of significant Delaware statesmen in public spaces” (DE Code Title 29 Chapter 87 Subchapter 1 § 8705). Placement of works from this collection in public buildings will be determined by the condition of the artwork, hours open to the public for viewing, environmental conditions and the level of security provided by the public institution.

Loans from the State Furnishing Collection will be made to state agencies and government facilities for use in public offices. Loans will be made based on the purpose of the loan, condition of the artifact or objects, and security and environmental controls provided by the borrowing agency.

## **B. Incoming Loans**

The Division borrows objects from private individuals, museums, historical societies and other institutions for exhibits, special events and research purposes consistent with the stated goals and policies of the Division.

The responsible curator initiates incoming loans for exhibition or research purposes. Loans require the approval of the Deputy Director.

A loan agreement form which specifies the conditions of the loan and which clearly states a definitive period of loan will be signed by the responsible curator and the owner of the object(s) or the owner's designated representative. Loan forms will be completed and signed prior to shipment of the loan. Receipt forms will be completed at the time of receipt and return of the loan. In general, the Division will borrow objects for not more than a one-year period which may be renewable.

The Curator of Collections Management is responsible for preparing loan paperwork and for coordinating packing, shipping, and insurance arrangements for loans. Upon the Division's receipt of a loan, the Curator of Collections Management is responsible for unpacking, processing and documenting the condition of the loan. All loan records are maintained by the Curator of Collections Management. The Curator of Collections Management will monitor the status of loans and will coordinate the return arrangements for loans.

The Division will exercise the same care for borrowed objects as it does in the safekeeping of its own similar objects. The Division maintains an all-risk, wall-to-wall insurance policy subject to standard exclusions and will provide necessary coverage to lenders through this policy. The lender will provide a reasonable insurance value to the Division.



The lender will be required to promptly notify the Division of changes in insurance values, the lender's address or ownership of the loan.

## **XI. COLLECTIONS CARE**

The Division of Historical and Cultural Affairs holds its collections for the benefit of the people of Delaware, and derives its importance and meaning from those same collections. Since the care of collections is paramount in its mission, the Division of Historical and Cultural Affairs strives to provide physical care which meets professionally acceptable standards.

The collections of the Division are extremely diverse, encompassing a wide variety of objects, artifacts and records each requiring particular environmental standards. The Division will, to the best of its ability within available resources, maintain artifacts both in storage and on display in professionally accepted environmental conditions.

The Division also recognizes its obligation to pursue a deliberate and systematic program of conservation, as well as conservation projects oriented toward a particular purpose or a single object. All repair, restoration, or conservation measures shall respect the historical and physical integrity of the object.

## **XII. INVENTORIES AND RECORDS**

### **A. Records and Supporting Documentation**

Information about objects, artifacts and groups is integral to the purpose of collecting the objects and artifacts themselves. Gathering, maintaining, and controlling this information are essential features of collections management. The Division will maintain all relevant and pertinent records.

Records will be kept that are associated with registration functions such as those that document the legal status of the object. Additionally, records will be maintained that document the object's location, movement and care. These include the records of all inventories done of the collection, or objects, artifacts or groups on exhibit.

Records associated with curatorial functions such as descriptive catalogue, provenance, legal status and research information will also be created and maintained.

Records created during archaeological investigation will be maintained with the collection.

For security purposes, additional digital copies of certain accession record information will be duplicated and stored in an appropriate facility away from the main storage of accessions

records. All digital records are backed-up by the State of Delaware and paper collections records are housed in fireproof cabinets.

The Curator of Collections Management, Curator of Collections and the Curator of Archaeology are responsible for records generated by the museum collections and archaeology collections, respectively.

The Division recognizes the confidentiality of certain types of information. Access to accession files will be restricted to Division staff and researchers in accordance with the Use and Access policy.

## **B. Inventory**

The Division will create and maintain a system for preservation of data associated with, and physical control of, its collections. Establishing and maintaining physical and intellectual control is one of the primary tasks of the Division.

The Inventory process will include viewing the object and recording the location and current physical status. Records generated from inventories will be maintained in accordance with the standards outlined in the Records Policy.

The museum will undertake systematic and periodic inventories of collections, both in storage and on exhibit. The permanent general collection will be inventoried completely every ten (10) years by Division staff. Objects, artifacts and groups on exhibit will be inventoried annually. Certain sites and collections may be inventoried more frequently as determined by the curatorial staff as outlined in the Inventory Procedure.

## **XIII. FOUND IN COLLECTION (Objects in Custody)**

Undocumented objects found in the collections without an accession number and/or donor documentation, or unclaimed loans, will be handled on an individual, case-by-case basis. Each object is given a unique FIC number for tracking purposes while research for reconciliation occurs. Delaware does not have an unclaimed property law. FIC will be held in custody and when legislation is signed for unclaimed or abandoned property, unresolved FIC items can be addressed following state law.

## **XIV. RIGHTS, REPRODUCTIONS and FAIR USE**

Distinctive documentation of the division's collections is the property of the Division of Historical and Cultural Affairs. Staff will respond to requests for commercial, editorial, and scholarly use of this material by the public. The staff will protect the Division's legal rights, while making appropriate media available for legitimate public use. Staff will provide standard credit

line and complete appropriate forms as needed. These media will include, but are not limited to, photography, photographic slides, digital imagery, video recordings, and sound recordings.

The Copyright Act outlines four factors that must be considered when determining whether or not a specific use of a work is protected under Fair Use<sup>2</sup>.

Questions regarding Fair Use should be directed to the Public Information Officer.

The nature of historical archival collections such as those at the Division means that copyright or other information about restrictions may be difficult or even impossible to determine. The Division of Historical and Cultural Affairs seeks communications from any copyright owners who are not properly identified so that appropriate information may be provided in the future.

## **XV. INSURANCE AND RISK MANAGEMENT**

### **A. Collections Insurance**

As a Division within the State of Delaware, Department of State, all collections are insured by a combination of self-insurance and commercial excess insurance through the Delaware Insurance Coverage Office. The office, within the Office of Management and Budget is responsible for managing the insurance program for the State of Delaware. Incoming loan objects will be covered under the loan agreement terms and with an insurance rider for the duration of the loan as developed with the Insurance Coverage Office. The Division Director and the collections team manager and the curators will be responsible for ensuring collections are properly documented for insurance purposes.

### **B. Risk Management**

The Division Disaster Preparedness and Emergency Response plan includes a set of salvage priorities and guidelines. The plan will be maintained in digital and printed formats with current

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<sup>2</sup> Section 107 that lists these factors: "In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include —

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole, and
4. The effect of the use upon the potential market for or value of the copyrighted work

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors."

contact information, checklists, and procedures. Response/recovery team members, appropriate government personnel, and each division facility will be furnished with current copies of the printed plan and materials for home, office, and mobile access, as appropriate. A digital copy of the plan may be accessible online to appropriate personnel. The plan will be reviewed, updated and redistributed on an annual basis by the Physical Plant Superintendent.

Division staff must give consideration to personal safety and actively promote safety and loss prevention. They must adhere to applicable laws and risk management and environmental health and safety program requirements and understand that disregard of legal or risk management and environmental health and safety requirements can result in disciplinary action. Division staff and volunteers may undergo required training in areas such as:

- CPR / First Aid / AED
- Fire extinguisher use
- Personal safety
- Supervisor safety
- New employee safety
- Job hazard assessment

The Division provides the following measures to help ensure the health and safety of visitors and employees.

- Staff trained in Red Cross First Aid/CPR/AED
- First-aid kits located and clearly marked in all facilities
- AED available on-site
- Panic/help buttons on-site
- Disaster response supplies located in a designated areas of historic sites

The safety and security of the personnel and collections owned and managed by the Division are of the highest importance and must be maintained at all times.

## **XVI. COLLECTION SECURITY**

The Division of Historical and Cultural Affairs uses electronic security alarm system in all curatorial facilities, historic sites and galleries to limit access to non-public spaces and to protect collections and employees.

The Preservation Maintenance Superintendent serves as the Division's security liaison, monitoring the security system, editing access profiles, and working with a monitoring service to manage building and collections security.

All employees and collections volunteers must understand the Division security policy. Designated staff members will be issued a unique pass code providing access to designated secure areas.

Permission for supervised access to collections areas may be granted by collections staff or the Director. Access to collections storage is through locked doors and electronic key pads and access codes allowing entry to non-public collections areas. The Director determines which staff members receive access to collections areas.

## **XVII. USE AND ACCESS**

The Division was founded to increase the understanding and appreciation of the history and culture(s) of the people of Delaware, and serve as stewards of the State's cultural patrimony (Title 29 Chapter 5 Subchapter 3 § 572). To fulfill these goals, the Division will keep its museum facilities, collections facilities, research center and historic sites open to the public on a regular schedule. To fulfill these goals, the Division will exhibit its collections online and use an active loan policy.

Access to collections shall be provided in a nondiscriminatory and fair manner in light of the range of requests received and balanced with resources, conservation and security concerns. The Division is obligated to protect privileged information including security information.

The Division will seek to accommodate requests to access collections and information by making the collections available for study by appointment with the responsible staff. The Division reserves discretion for determining the appropriateness of requests to access the state's collections. Access to the collections may be granted by curatorial staff, the Deputy Director, or the Director of the Division of Historical and Cultural Affairs. Individuals given access to collections must comply with the Division's procedures regarding examination, handling, photography, and use/dissemination of collections-related information and media. The Research Center will be open by appointment on a regular basis in line with the State Historic Preservation Office's policies.

The Division acknowledges an obligation to display its collections beyond physical exhibits or the Research Center. Digital access to collections helps to increase understanding and appreciation of the collections while minimizing impact on objects and artifacts. The Division seeks to display its objects, artifacts, and research on the Internet in an accessible and responsible manner.

## **XVIII. OWNERSHIP OF SCHOLARLY MATERIAL**

The objects in the Division's collections, their documentation, and all additional documentation developed subsequent to their acquisition, are the property of the Division. The Division has the right to copyright or patent any and all such materials produced by its staff while carrying out their job responsibilities as employees of the Division, when it deems it appropriate to do so. The Division is entitled to receive any and all fees, royalties or honoraria earned in conjunction with any and all materials or items produced by staff, while carrying out their job

responsibilities as employees of the Division. Additional information of Ownership of Scholarly Material is found in the 2014 Division of Historical and Cultural Affairs Code of Ethics.

## **XIX. POLICY REVISION**

This policy is a public document formulated to encourage confidence in the Division of Historical and Cultural Affairs as a suitable repository for collections and to distinguish the Division's collecting interests from other museums and related collections. It defines the present state and use of the collections and the related management policies. The Collections Management Policy of the Division of Historical and Cultural Affairs will be reviewed and revised as required, but at least once every five years.

## **XX. GLOSSARY**

**Accession:** 1) An object acquired by a museum as part of its collections; 2) the act of recording/processing an addition to the collections; 3) one or more objects acquired at one time from one source, or the transaction itself. *Alternate:* The process of creating an immediate, brief, and permanent record of an object(s) or collection from the same source at the same time for which the museum has custody, right, title and assigning a unique control number to the object(s) or collection.

**Accession number:** A control number, unique to an object, whose purpose is identification, not description.

**Acquisition:** The administrative process of discovering, preliminary evaluating, negotiating for, taking custody of, and documenting title to an object(s) or collection.

**Catalog(ue):** The curatorial process of classifying and documenting objects usually in complete descriptive detail resulting in extensive information in the forms of cards, files, publications, and digital data.

**Code of ethics:** Formal statement of the body of moral precepts or rules of conduct considered to be the standards for a profession.

**Collections:** Objects that are owned by the museum, that it has responsibility to house and care for, and that may be used as the museum sees fit, most often for exhibition, loan, or study.

**Commercial Activity:** Any profit making activity aligned with the mission or interest of the museum but outside the museum's normal line of business.

**Conflict of interest:** means a conflict or the appearance of a conflict between the private interests and official responsibilities of a person in a position of trust. Persons in a position of trust include staff members, paid and unpaid, and committee members.

Deaccession: 1) an object or collection that has been removed permanently from the museum collections; 2) formal removal of accessioned objects from the museum collections. See also Disposition.

Deed of Gift: A written instrument that transfers ownership of an object(s) from a donor to the museum. It should include conditions (if any) of gift. It must be signed by the donor and contain a signature of acknowledgement of receipt of gift by the museum.

Disposition: The act of removing unaccessioned objects from the museum collections. See also Deaccession.

Document: The process of producing records to identify and enhance the knowledge and value of collections with the intent of maintaining informational and intellectual control over them.

Expired loans: Loans of limited duration for which the termination dates have passed.

Fair Use: refers to the legal right of individuals to use copyrighted materials for certain purposes without infringing on the copyright protections associated with those items. [Section 107 of the U.S. Copyright Code.]

Found in Collections (FIC): see Undocumented object.

Governing Authority: The Delaware Secretary of State is the Division of Historical and Cultural Affairs governing authority.

Incoming loan: An object borrowed by a museum. It is an incoming loan from the perspective of the borrowing museum; such a loan could be an outgoing loan to the lending institution.

Indefinite loans: Loans that have no set duration.

Inventory: The registrarial process of locating and listing periodically accessioned, loaned, and borrowed objects by location, resulting in locator files.

Loan agreement: A contract between a lender and a borrower of an object(s), specifying the object(s) and outlining the conditions of the loan and the respective responsibilities of each party.

Long term loan: An object(s) loaned to a museum for long-term use. For record keeping purposes, long terms loans are often treated as a part of the collections.

Muniment: Written documents preserved as evidence of ownership of an object(s) or collection, often comprising deeds, bills of sale, wills, agreements, correspondence and acknowledgements.

Museum-specific legislation: State legal statute that provides guidelines for the reconciliation of old loans and /or undocumented objects in museums.

National Preservation Act of 1966, As amended through 2006: AN ACT to Establish a Program for the Preservation of Additional Historic Properties throughout the Nation, and for Other Purposes.

Native American Graves Protection and Repatriation Act (NAGPRA): Act requires return of Native American "cultural items" to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations to federal agencies and institutions that receive federal funding. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony.

Old loan: see Unclaimed loan.

Permanent loans: The possession of an object(s) is transferred to the museum under a loan arrangement, yet the owner does not intend to return to claim the object(s). Permanent loans are often treated as part of the collections of the museum.

Personnel: Anyone working on behalf of the Museum, paid or unpaid, including but not limited to full and part-time staff, volunteers, interns, Research Associates, Trustees, and consultants. Procedure: a statement of how a governing principle will be implemented; rules and regulations applied to a framework; a definition of how a policy is to be carried out.

Plan, Collections: A curatorial inventory, analysis, and evaluation of each class of collection held by a museum and utilized to direct predetermined acquisition and deaccession with specific goals and objectives in mind.

Policy: broad statement outlining the intent of the institution with respect to one or more of its objectivities, as adopted by the Board of Trustees. Once a policy is adopted by the Board of Trustees, a formal amendment procedure is followed to change it. A governing principle; a framework for carrying out work; a definition of what is to be done.

Policy, Collections Management: An approved, written statement of beliefs that provides a guidance system to achieve organizational purposes, objectives, and responsibilities and adopted by a governing board or authority.

Possession: The detention and control, or the manual or ideal custody of anything that may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession, which means not actual but



assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

**Provenance:** The background and history of ownership for works of art, historical objects, and archaeological artifacts. The more common term for anthropological collections is provenience, which defines an object(s) in terms of specific geographic location of origin. In scientific collections, the term locality, meaning specific geographic point of origin, is more acceptable.

**Registration:** The process of developing and maintaining an immediate, brief, and permanent means of identifying an object for which the museum has permanently or temporarily assumed responsibility.

**Risk Management:** Prudent risk management requires identification and elimination or reduction of risks to the collection. Risk management requires thoughtful review of potential hazards including natural disasters, vandalism, theft, human error, mechanical or operational failure, and deterioration.

**Section 106 of the National Historic Preservation Act of 1966 (NHPA):** section of Act requiring Federal agencies to take into account the effects of their undertakings on historic properties. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the Advisory Council on Historic Preservation.

**Section 110 of National Historic Preservation Act of 1966 (NHPA):** section of Act setting out the broad historic preservation responsibilities of Federal agencies for historic properties within their ownership and is intended to ensure that historic preservation is fully integrated into the ongoing programs of all Federal agencies; establishes special preservation responsibilities for Federal agencies with an emphasis on property management activities.

**Statutes of limitations:** Laws that require that claims be brought to court within a limited time period or otherwise the right to claim is barred.

**Title:** The coincidence of all the elements that constitute the fullest legal right to control and dispose of property.

**Unaccessioned objects:** Objects in the possession of the museum that have not been formally added to the museum's collections but still require storage and care.

**Unclaimed loan:** An object that the museum records show was placed on loan for a fixed or indefinite period, and which has not been retrieved by its owner in a timely fashion. It also includes unclaimed object(s) left at the museum under informal custody arrangements for study or examination by museum staff.

**Unclaimed property law:** The law in each state generally reserved for the resolution of tangible and intangible assets. In states (as Delaware) without museum specific legislation addressing

undocumented objects, this law may or may not be helpful in reconciling undocumented museum objects. Also referred to as abandoned property law.

Undocumented object: Object in a museum's physical possession or control that is unsupported by any documentation and/or lacks sufficient evidence to prove museum ownership. There are no definitive records as to their origin or status. FIC objects differ from old loans in that the museum has a record that the object(s) were on loan.

Value (accession): the monetary amount assigned as the value of an object, assembly, or lot at the time of acquisition as determined by a professional appraisal, estimate, or prior recent sale of a comparable object.

Value (market): the dollar value at which an object would be sold assuming an informed, willing buyer and seller.

Volunteer: A person who does not receive compensation for services and expertise provided to the MOA and retains a significant independent decision-making authority to commit resources of the organization.